

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUSAN GHAHREMANI,
Plaintiff,

-against-

CRAFT FOR KIDS IMPORTS, INC.,

Defendant.

MEMORANDUM AND ORDER

Case No. 24-CV-04356-FB-LKE

Appearances:

For the Plaintiff:

ANDREW GERBER
Kushnirsky Gerber PLLC
27 Union Square West, Suite 301
New York, New York 10003

BLOCK, Senior District Judge:

On June 20, 2024, Plaintiff Susan Ghahremani (“Plaintiff”) commenced this action against Defendant Craft For Kids Imports, Inc. (“CFK” or “Defendant”). Plaintiff asserts that CFK, a wholesaler of arts and crafts, sold Plaintiff’s copyrighted designs without consent. More specifically, Plaintiff alleged that Defendant committed copyright infringement in violation of the Copyright Act, 17 U.S.C. § 501, *et seq.*; distribution of goods with missing and altered copyright management information in violation of the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 1202(b); and distribution of goods with false copyright management information in violation of the DMCA, 17 U.S.C. § 1202(a).

The summons and complaint were served on CFK on June 24, 2024, with the response due by July 15, 2024. When Defendant failed to respond within the required time, Plaintiff requested a certificate of default, which the Clerk of Court issued on July 18, 2024. On August 29, 2024, Plaintiff then filed a motion for default judgment against Defendant.

On February 5, 2025, Magistrate Judge Eshkenazi issued a Report and Recommendation (“R&R”) recommending that the Court grant Plaintiff’s motion. She reasoned that Defendant should be liable for copyright infringement, distributing copyrighted works with false copyright management information, and distributing copyrighted works with copyright management information removed. In addition to (1) granting Plaintiff’s motion for default judgment, Magistrate Judge Eshkenazi recommended that the District Court “(2) award \$135,000 in statutory damages from Defendant; (3) issue a permanent injunction enjoining Defendant from further infringement of Plaintiff’s copyrighted works; and (4) award Plaintiff’s counsel their attorney’s fees of \$8,055 and costs of \$519.30.” R&R at 25.

The R&R gave the parties fourteen days to file objections, i.e., until February 19, 2024, and warned that “[f]ailure to file objections within the specified time waives the right to appeal any judgment or order entered by the District Court in reliance on this Report and Recommendation.” *Id.* at 26. No objections have been filed. If clear notice has been given of the consequences of failing to object, and

there are no objections, the Court may adopt the R&R without *de novo* review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” (citations omitted)). The Court will, however, excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. The only change to be made is regarding the forum rule for ascertaining the hourly rate for attorney’s fees. Magistrate Judge Eshkenazi wrote, “[P]revailing rates for experienced attorneys . . . range from approximately \$300 to \$400 per hour. *Zuffa, LLC v. South Beach Saloon, Inc.*, No. 15-CV-6355 (ADS) (AKT), 2019 WL 1322620, at *7 (E.D.N.Y. Mar. 6, 2019).” However, the range is higher for partners, whose hourly rate can fall approximately between \$300 to \$450. *Id.* at *6 (quoting *Safeco Insurance Company of America v. M.E.S., Inc.*, No. 09-CV-3312 (PKC) (VMS), 2018 WL 2766139, at *7 (E.D.N.Y. June 8, 2018)).” R&R at 23. But these rates have been superseded by the new forum rule rates announced in *Rubin v. HSBC Bank USA, NA*, — F. Supp. 4th —, —, 2025 WL 248253, at *6 (E.D.N.Y. Jan. 21, 2025); *Moore v. Rubin*, No. 17-CV-6404 (BMC), 2025 WL 510017, at *2 (E.D.N.Y.

Feb. 14, 2025) (“After an extensive and well-documented discussion of the impact of inflation on the cost of living, [Judge Block] found that the reasonable hourly rates in this district are now \$450 to \$650 for partners, \$300 to \$450 for senior associates, \$150 to \$300 for junior associates, and \$100 to \$150 for paralegals”).

But the change in the forum rule does not alter the rest of Magistrate Judge Eshkenazi’s well-reasoned calculation of the hourly rate. She found the partner’s hourly rate of \$500, the third-year associate’s hourly rate of \$320, and the first-year associate’s hourly rate of \$220 to be reasonable. R&R at 24. These rates are comfortably within the updated forum rule range.

Accordingly, the Court adopts the rest of the R&R without *de novo* review. Plaintiff’s motion for default judgment is granted. The Clerk shall enter judgment in accordance with this opinion.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 11, 2025